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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 March 1998]

1. The International Federation of Human Rights Leagues (FIDH) and its affiliate member in Turkey, the Human Rights Association (HRA), wish to express their ongoing concern about massive, flagrant and systematic violations of human rights in Turkey. The numerous violations reported by various non-governmental organizations, as well as the increasing number of petitions submitted to the organs under the European Convention on Human Rights, indeed show the difficulties the successive Governments of Turkey have had to face. The current Government of Turkey is also accountable for the numerous violations of human rights on its territory.

2. Disappearances and extrajudicial executions, as well as murders by unidentified assaulters and acts of torture and other cruel, inhuman and degrading treatment, are the most common violations of human rights in Turkey, in particular in the south-east region. Arbitrary arrests and detentions are also widespread.

3. Furthermore, in contradiction to international human rights law, most authors of these violations are not condemned, tried, or even sought: impunity seems to be the rule. Trials of officials responsible for acts of torture, even when they resulted in death - the Gotëkpe case, in which a reporter died in police custody in 1996, is a striking example - are set up in alarming conditions: accused officials remain at liberty, they do not present themselves to the penal chamber, cases are delayed sine die, pressure is exerted against witnesses, etc.

4. Although Turkey ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, a systematic and widespread pattern of torture is present in the country. According to the HRA's last annual report, more than 350 people have been exposed to torture under detention in 1997. Nevertheless, this figure may not be exhaustive.

5. Nevertheless, different laws have been modified. In particular, in March 1997, lawful preventive detention was reduced from 15 to 7 days, and 13 to 10 days in the regions where a state of emergency is in force. But these periods of pre-trial detention are far too long and conducive to the perpetration of acts of torture and other cruel, inhuman and degrading treatment. Concerning torture during these detentions, the record of Turkey is still overwhelming: human rights organizations have even reported cases of children under preventive custody tortured in police stations. Furthermore, owing to fear of reprisals, members of the medical profession sometimes act in collusion with the police by writing false medical certificates.

6. According to a statement by the former Minister of Human Rights, Mr. Azimet Köylüoglu, 28 torture techniques are used in police custody. The HRA and the Human Rights Foundation of Turkey (HRFT) determined 37 torture techniques, such as electric shocks, squeezing of the testicles, hanging by the arms or legs, blindfolding, stripping the suspect naked, spraying with high-pressure water, etc. As well, in December 1996, a delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) found flagrant examples of torture.

7. Numerous cases of deaths, disappearances under detention and extrajudicial executions are still being reported. Most take place in the regions where the state of emergency is in force. According to the HRA's last annual report, in 1997, more than 60 persons disappeared, hundreds of persons were murdered by unidentified assaulters, extrajudicially executed, or have died due to the conflict in the Kurdish region. Many of the victims were civilians trapped in the Kurdish conflict. In particular, several dozen people have died or been wounded by landmines, especially by those left in civilian settlement areas.

8. The multiplication of media outlets, i.e., newspapers, radio and TV channels, shows a certain freedom of expression. Nevertheless, restrictive laws - more than 150 separate laws, including the Anti-Terror Law and articles 158, 159, 311 and 312 of the Turkish Penal Code - still remain the main obstacle. Several journalists, writers and intellectuals are under prosecution. According to the HRA's 1997 report, about 300 journalists have been detained and about 300 publications have been confiscated. Persons expressing their opinion about a democratic, political and peaceful solution to the Kurdish question or other topics deemed to be "taboo" by the Government are especially harassed, tried and jailed.

9. Mr. Esber Yagmurdereli, a human rights and peace activist, was imprisoned to serve a 10-month sentence for a speech he made in a meeting organized by the HRA about the necessity for Turkey to put an end to the conflict in the south-east in order to become an effective democratic country. As Mr. Yagmurdereli was at that time on probation for a belief offence, he was in fact facing more than 20 years of imprisonment. However, President Demirel pronounced a special amnesty because of his health: his sentence was suspended for one year, provided that he did not commit the same offence during this period. Mr. Akin Birdal, President of the HRA and Vice-President FIDH, is facing 22 court actions. In two trials, Mr. Birdal has been sentenced to one year of imprisonment for each. These cases are presently pending before the Court of Appeal. Mr. Haluk Gerger, an academic, writer and human rights and peace defender, was tried by the Istanbul State Security Court in connection with an article he published in December 1993 in the daily Özgür Gündem. He has been sentenced to one year of imprisonment and to a fine of Turkish lira 300 million under article 7 of the Anti-Terror Law. This sentence was confirmed by the Court of Appeals: Mr. Gerger is now awaiting arrest. Mr. Ragip Duran, a journalist, has also been sentenced to one year in prison and a fine of Turkish lira 300 million under article 8 of the Anti-Terror Law.

10. Through constitutional and legal obstacles, workers are denied the rights to collective bargaining, trade union and strike. Strikes demanding rights and solidarity for workers have been legally deemed criminal. Public servants have not received trade union rights yet. Although Turkey ratified numerous ILO Conventions relating to workers' fundamental rights and freedoms, these have not been implemented in domestic law. Parties, associations and trade unions are being closed, and thus, freedom of association is being greatly infringed.

11. Human rights organizations also encounter persecution. Human rights defenders are detained, tried or imprisoned; court actions are brought against

human rights organizations in order to make them close down and to ban their publications. Two separate court actions for closure were brought against the HRA's headquarters. While one resulted in an acquittal, the other is still pending. The HRA's branches in Diyarbakir, Izmir, Mardin, Sanliurfa, Balikesir, Malatya and Konya were closed down in May and August by the respective Governors without any court orders. The branches in Diyarbakir, Mardin and Sanliurfa, which were the most active ones in the region, still remain closed. The four other branches have been reopened through HRA's application to the local authorities. The Human Rights Foundation of Turkey, which mainly deals with the psychological and social reinsertion of victims of torture, and Mazlum-Der (Association for Human Rights and Solidarity with the Oppressed) are also being harassed. The acquittal of the members of HRA's Executive Committee on 23 February 1998 is one of the only efforts towards recognizing the rights of human rights defenders. Local and international human rights organizations, as well as journalists, are nevertheless still not allowed access to the regions under state of emergency.

Recommendations

12. The FIDH and the HRA welcome the invitation by the Government of Turkey to the Working Group on Enforced or Involuntary Disappearances as well as to the Special Rapporteur against torture. However, we regret that this invitation has not yet been extended to the Special Rapporteur on extrajudicial, summary or arbitrary executions, who has been requesting an invitation since 1992.

13. Moreover, the FIDH and the HRA urge the Government of Turkey to ratify without delay the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, as well as the International Convention on the Elimination of All Forms of Racial Discrimination.

14. Given the gravity of the situation, the FIDH and the HRA call upon the Commission on Human Rights to appoint a monitoring mechanism to supervise the human rights situation in Turkey.